
DECEMBER 3, 1807.

Read the first and second time, and committed to a committee of the whole House, on Monday next.

An Act,

For the preservation of peace and maintenance of the authority of the United States, in the ports, harbours, and waters under their jurisdiction.



1 Sec. 1. *BE it enacted by the senate and house of representatives of*
2 *the United States of America, in congress assembled,* That whenso-
3 ever any treason, felony, misprision of treason, or of felony, mis-
4 demeanor, breach of the peace or of the revenue laws of the
5 United States, shall hereafter be committed within the jurisdiction
6 of the United States, and the case shall be cognizable by or under
7 their authority, if the person committing the same shall be on board
8 of any foreign armed vessel in any port or harbour of the United
9 States, or in the waters within their jurisdiction, it shall be the
10 duty of any judge or justice of any court of the United States,
11 upon satisfactory proof thereof to him made, to issue his warrant,
12 specifying the nature of the offence, and directed to a marshal,

13 commanding him to take the body of the offender, and bring him
14 before the said judge or justice, to be dealt with according to law.
15 And if the said judge or justice shall deem the ordinary *posse*
16 *comitatus* insufficient to insure the execution of the said warrant,
17 he shall immediately issue his order, directed to any officer having
18 command of militia, or any officer having command of regular
19 troops, or of armed vessels of the United States, in the vicinity,
20 requiring him to aid the said marshal, with all the force under his
21 command, or such part as may be necessary, in executing the war-
22 rant aforesaid. And the said marshal, conforming himself in all
23 things to the instructions which he shall receive from the president
24 of the United States, or from any other person authorized by the
25 president, shall first demand the surrender of the person charged
26 with the offence; and if delivery be not made, or if the marshal
27 be obstructed in attempting to make the demand, he shall use all
28 the means in his power, by force and arms, to arrest the offender,
29 and all others who are with him, giving him aid and countenance
30 in evading the arrest, and he shall convey the said offender, and all
31 others arrested as aforesaid, and deliver them to the civil authority,
32 to be dealt with according to law. If death ensue to the person
33 ordered to be arrested, or to any of those giving him aid and
34 countenance, it shall be justified, but if to the marshal, or to any
35 of those supporting him in the discharge of his duty, the persons
36 engaged in resisting the civil authority shall be deemed and ad-
37 judged guilty of wilful murder, and shall suffer death.

1 Sec. 2. *And be it further enacted,* That whensoever after the pas-
2 sage of this act, any felony, misprision of felony, misdemeanor, or
3 breach of the peace, shall be committed within the body of a county
4 in any one of the United States, and any process of law shall be issued
5 under the authority of the state, for the purpose of arresting the of-
6 fender ; if the said offender shall be on board of any foreign arm-
7 ed vessel, in any port or harbour of the United States, and within
8 the jurisdiction of the state in which the offence was committed, it
9 shall be lawful for the governor, or other supreme executive officer
10 of the state, in which the said offence shall have been committed,
11 and also for any judge or justice of any court of the United States,
12 or of the supreme or superior judicial court of any state or territo-
13 ry, or any mayor, or intendant of any corporation or borough, up-
14 on due proof thereof, and upon his being satisfied that the ordinary
15 *posse comitatus* is insufficient to insure the execution of the said pro-
16 cess, to issue his order directed to any officer having command of
17 regular troops, or armed vessels of the United States, in the vici-
18 nity, requiring him to aid the officer charged with the execution of
19 the process, with all the force under his command, or such part
20 thereof as may be necessary, in arresting the offender, and all those
21 giving aid and countenance in resisting the civil authority. And if
22 the said offender shall flee to any place beyond the jurisdiction of
23 the state and within the exclusive jurisdiction of the United States,
24 the officer charged with the execution of the said process, shall be,
25 and he is hereby authorized to pursue the said offender into such
26 place, taking with him, if necessary, the said armed force, and there

27 arrest him, in virtue of the said process. And if the said offender
28 shall flee to and be on board of any foreign armed vessel, being in
29 any place beyond the jurisdiction of the state, and within the exclu-
30 sive jurisdiction of the United States, the officer charged with the
31 execution of the said process, shall first demand the delivery of the
32 said offender, of and from the person or persons having charge and
33 command of the said foreign armed vessel, declaring the authority
34 and cause for which the demand is made ; and if the said offender be
35 not delivered according to the said demand, or if the officer charged
36 with the execution of the process, be obstructed in attempting to
37 make the demand, then he shall use all the means in his power by
38 force and arms, to enter on board of the said foreign armed vessel,
39 there to search for and arrest the said offender, and all those who are
40 with him, giving him aid and countenance, in preventing and resist-
41 ing the execution of the said process, and the officer charged with
42 the execution of the said process shall convey the said offender and
43 deliver him over to the civil authority of the state, to be dealt with ac-
44 cording to law ; and all those arrested for being concerned in resist-
45 ing the execution of the process shall be delivered over to the civil
46 authority of the United States, and shall be punished in the same
47 manner as if they had been concerned in knowingly and wilfully ob-
48 structing, resisting or opposing any officer of the United States, in
49 serving or attempting to serve any warrant or other legal or judicial
50 writ issued under the authority of the United States. But if any of
51 those concerned in making the arrest be killed, in a place within the
52 exclusive jurisdiction of the United States, those engaged in resisting

53 the civil authority, shall be adjudged guilty of wilful murder, and
 54 shall suffer death: And if the person charged with the offence, or
 55 any of those concerned with him in resisting, be killed in a place un-
 56 der the exclusive jurisdiction of the United States, it shall be justifi-
 57 ed.

1 Sec. 3. *And be it further enacted*, That if any commanding officer
 2 of militia, of regular troops or armed vessels of the United States,
 3 shall refuse to obey the requisition authorized by this act, he shall
 4 forfeit a sum not exceeding five thousand dollars, to be recovered by
 5 conviction upon indictment before any court of competent jurisdic-
 6 tion.

1 Sec. 4. And in order to prevent insults to the authority of the
 2 laws, whereby the peace of the United States with foreign nations
 3 may be in danger, *Be it further enacted*, That it shall be lawful for
 4 the president of the United States, either to permit or interdict, at
 5 his discretion, the entrance of the harbours and waters under the ju-
 6 risdiction of the United States, to all armed vessels, belonging to any
 7 foreign nation, and by force to repel and remove them from the same,
 8 except when they shall be forced in by distress, by the dangers of
 9 the sea, by being pursued by an enemy, or when charged with dis-
 10 patches or business from the government to which they belong;
 11 in which cases, as well as in all others when they shall be permitted
 12 to enter, the commanding officer shall immediately report his vessel
 13 to the collector of the district, stating the object or causes of his
 14 entering the harbour or waters, shall take such position therein as

15 shall be assigned him by such collector, and shall conform himself,
16 his vessel and crew to such regulations respecting health, repairs,
17 supplies, stay, intercourse, and departure, as shall be signified to him
18 by the said collector, under the authority and directions of the presi-
19 dent of the United States, and not conforming thereto, shall be
20 required to depart from the United States.

1 Sec. 5. And whereas the commanders of certain British armed
2 vessels have committed repeated acts of insubordination to the laws,
3 violence to the persons, and trespasses on the property of the
4 citizens within the ports and harbours of the United States, and
5 by continued acts of outrage and aggression have forfeited all claim
6 to hospitality; and when required by the president of the United
7 States, in pursuance of the authority given him by law, immedi-
8 ately to depart from the harbours and waters of the United States,
9 have in open defiance of the laws and government thereof refused
10 to depart, and in violation of the laws of nations have maintained
11 themselves in hostile array, within the harbours and waters under
12 the jurisdiction of the United States, and against the dignity of the
13 same: Therefore, *Be it further enacted*, That no British armed
14 vessel shall be admitted to enter the harbours and waters under the
15 jurisdiction of the United States, but every British armed vessel
16 is hereby indierdicted, except when they shall be forced in by dis-
17 tress, by the dangers of the sea, or when charged with dispatches
18 or business from their government, or coming as a public packet
19 for the conveyance of letters, in which case the commanding of-
20 ficer shall conform to the provisions contained in the fourth section

21 of this act; and not conforming thereto shall be required to depart
22 from the United States: *Provided*, That it shall be lawful for the
23 president of the United States, whenever he may deem it expedi-
24 ent, by proclamation to remove this interdiction of all British armed
25 vessels.

1 Sec. 6. *And be it further enacted*, That if any armed vessel what-
2 soever, interdicted by any of the provisions of this act, or by pro-
3 clamation of the president of the United States, issued under the au-
4 thority thereof, shall, contrary to the true intent thereof, enter any
5 of the harbors or waters under the jurisdiction of the United States,
6 or be found therein, or if the commander of any armed vessel, ad-
7 mitted into any of the said harbors or waters, shall refuse or fail to
8 comply with the regulations signified to him by the collector of the
9 district as aforesaid, it shall be the duty of the collector, immediate-
10 ly to require, in writing, the commander of any such armed vessel
11 to depart with his vessel, from the waters and jurisdiction of the
12 United States, conformably to the provisions of this act. And if,
13 after such requisition to depart, the commander of such armed ves-
14 sel shall, in defiance thereof, fail, or refuse so to do, and with his
15 vessel wilfully remain within, or return to any of the harbors or wa-
16 ters within the jurisdiction of the United States, every such vessel
17 shall be deemed to have made an hostile invasion of the territory
18 of the United States, and while remaining in the harbors or waters
19 under the jurisdiction of the United States, shall be proceeded
20 against as a vessel of an enemy, and may be seized, taken, and
21 brought into any port of the United States, with her apparel, guns,

22 and appurtenances, and with the goods and effects on board the
 23 same, shall, conformably to the laws of nations, be liable to forfei-
 24 ture and condemnation, and may be libelled and proceeded against
 25 in the district court of the United States, for the district into which
 26 the same may be brought, and the forfeiture of every such armed
 27 vessel, goods and effects so seized, taken, and condemned, shall ac-
 28 crue wholly to the captors, and the proceeds thereof shall be dis-
 29 tributed in the same manner as prize money. And the said captors
 30 shall also be entitled to receive the same bounty as is provided in
 31 the seventh section of the "Act for the better government of the
 32 navy of the United States," passed the twenty-third day of April,
 33 one thousand eight hundred; and the president of the United States
 34 is hereby authorized and required to instruct the commanders of
 35 the armed vessels of the United States to subdue, seize, and take,
 36 by force, or otherwise, every such interdicted armed vessel which
 37 shall be found violating the territory of the United States as afore-
 38 said.

1 Sec. 7. *And be it further enacted,* That all pacific intercourse with
 2 any interdicted foreign armed vessel, the officers or crew thereof, is
 3 hereby forbidden, and if any person shall afford any aid to such arm-
 4 ed vessel, either in repairing her, or in furnishing her, her officers
 5 or crew, with supplies of any kind, or in any manner whatsoever,
 6 or if any pilot shall assist in navigating the said armed vessel, con-
 7 trary to this prohibition, unless for the purpose of carrying her be-
 8 yond the limits and jurisdiction of the United States, the person, or
 9 persons, so offending, shall be liable to be bound to their good beha-

10 vior, and shall also forfeit and pay a sum not exceeding two
 11 thousand dollars, to be recovered upon indictment or information
 12 in any court of competent jurisdiction, in which last case the said
 13 forfeiture shall accrue in equal portions to the United States and the
 14 informer.

1 Sec. 8. *And be it further enacted*, That it shall be lawful for the
 2 president of the United States, or such other person as he shall have
 3 empowered for that purpose, to employ such part of the land forces
 4 of the United States, or the militia thereof, as he shall deem neces-
 5 sary, to compel the departure of any interdicted foreign armed ves-
 6 sel; and the said land forces and militia are hereby authorized, in
 7 execution of orders from the president of the United States, to seize,
 8 subdue and bring in for forfeiture and condemnation, or to burn,
 9 sink or destroy such interdicted foreign armed vessel as the emer-
 10 gency of the case may require; and the president of the United
 11 States is hereby further authorized to refuse permission to any
 12 vessel belonging to the same nation or to its citizens or subjects,
 13 to make entry or unlade so long as the said interdicted armed ves-
 14 sel shall remain in the harbors or waters of the United States, in
 15 defiance of the public authority.

1 Sec. 9. *And be it further enacted*, That whenever any collector,
 2 conformably to the provisions of this act, shall have required in writ-
 3 ing, the commander of any foreign armed vessel to depart, and the
 4 said commander shall fail or refuse so to do, and remain in hostile
 5 array in defiance of the laws and government of the United States,

6 it shall be the duty of such collector within three days to publish
 7 in one or more newspapers, his requisition to the said commander,
 8 and the neglect or refusal of the said commander to comply there-
 9 with; whereupon it shall be lawful for any person or persons, in any
 10 manner whatsoever, whilst such armed vessel shall so remain within
 11 the jurisdiction of the United States, to burn, sink, or destroy every
 12 such armed vessel, and a bounty of five hundred dollars shall be
 13 paid by the United States, to such person or persons, for every gun
 14 carried by such armed vessel so burnt, sunk, or destroyed, when
 15 the same shall be effected otherwise than by the armed vessels of
 16 the United States.

1 Sec. 10. *And be it further enacted,* That if, while any interdicted
 2 foreign armed vessel shall so remain within the waters and juris-
 3 diction of the United States, in defiance of their laws and authority,
 4 any of her officers or crew shall land, and be found on shore in any
 5 place within the jurisdiction of the United States, they shall be
 6 arrested and imprisoned at the discretion of the president of the
 7 United States.

1 Sec. 11. *And be it further enacted,* That whensoever any officer
 2 of an armed vessel commissioned by any foreign power, shall, on the
 3 high seas, commit any trespass, or tort, or any spoliations on board
 4 any vessel of the United States, or any unlawful interruption, or
 5 vexation of trading vessels, actually coming to or going from the
 6 United States, it shall be lawful for the president of the United
 7 States, on satisfactory proof of the facts, by proclamation, to inter-
 8 dict the entrance of the said officer, and of any armed vessel by him

9 commanded within the limits of the United States; and if at any
 10 time after such proclamation made, he shall be found within the
 11 limits of the United States, he shall be liable therefor to be arrested,
 12 indicted and punished by fine and imprisonment in any court in the
 13 United States, having competent jurisdiction, and it shall be a part
 14 of the sentence, that he shall, within such time after the payment of
 15 his fine, and the expiration of his term of imprisonment as the court
 16 shall direct, leave the United States never to return. And if he
 17 shall return within the limits of the United States, after the passing
 18 of such sentence, or be found therein, after the period limited by
 19 the court as aforesaid, he shall again be liable to be indicted, fined
 20 and imprisoned, at the discretion of the court: *Provided always,*
 21 That if the said officer shall also have committed any other offence,
 22 made punishable by this act, he shall be liable to prosecution and
 23 punishment, the provisions of this section to the contrary notwith-
 24 standing.

1 Sec. 12. *And be it further enacted,* That, for the purpose of car-
 2 rying this act into effect, the president of the United States be, and
 3 he is hereby authorized and empowered to cause to be fitted out,
 4 officered, manned and employed, as soon as may be, all the frigates,
 5 and other armed vessels of the United States, to be stationed at
 6 such ports and places on the sea coast as he may direct, and to
 7 cause to be engaged, in addition to those now in the service, any
 8 thing in any former act of congress to the contrary notwithstanding,
 9 so many petty officers, able seamen, ordinary seamen, and boys, as
 10 shall be necessary for the same, who shall not be engaged to serve

11 for a period exceeding three years; but the president may discharge
 12 the same sooner, if, in his judgment, their services may be dis-
 13 pensed with: and, to satisfy the necessary expenditures to be in-
 14 curred therein, a sum not exceeding one million of dollars shall be,
 15 and is hereby appropriated, and shall be paid out of any monies in
 16 the treasury not otherwise appropriated.

1 Sec. 13. *And be it further enacted*, That the president of the
 2 United States shall be, and he hereby is authorized and required
 3 to give, as soon as may be, after the passage of this act, to the col-
 4 lectors of the respective districts, and to such other persons as he
 5 may think proper, the necessary instructions for carrying this act
 6 into effect, particularly marking out the line of conduct to be ob-
 7 served by the marshal, and the several collectors, in performing the
 8 duties enjoined by this act.

1 Sec. 14. *And be it further enacted*, That if any person shall be
 2 sued for any thing done in pursuance of, or in obedience to this act,
 3 he may plead the general issue, and give this act in evidence, any
 4 thing in any law, custom, or usage, to the contrary notwithstanding.

Read the third time and passed the senate.

Attest,

SAMUEL A. OTIS, Secretary.

December 2, 1807.